

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	NO. 3:18-CR-0097
v.	:	
	:	(MARIANI, J.)
ROSS ROGGIO, and	:	
ROGGIO CONSULTING, LLC,	:	
Defendants.	:	

**GOVERNMENT'S *IN LIMINE* MOTION TO ADMIT LAY
WITNESS OPINION TESTIMONY PURSUANT TO
FEDERAL RULE OF EVIDENCE 701**

The Government, by and through undersigned counsel respectfully move, *in limine* for the Court to issue an Order to admit lay witness opinion testimony pursuant to Federal Rules of Evidence, Rule 701, and state the following in support:

1. The Government intends to call representatives from PNC Bank and Wells Fargo Bank who, as records custodians for their respective financial institutions, will testify about transactions in accounts held by Roggio and Roggio Consulting Company, LLC. Each witness will provide testimony based on his or her knowledge of the banking industry generally and the process of international bank transfers specifically. The witness for each institution will testify that Roggio held financial accounts with their respective banks in the Middle

District of Pennsylvania. Each witness will describe how Roggio's local branch, being connected to the institution's electronic records system, will have been aware of the international transfer of funds occurring in the account. Once deposited, the funds were available for Roggio to withdraw from his local branch or spend at his pleasure. The witness will describe generally how international transfers of funds work and will testify that Roggio's accounts received funds from banks outside of the United States.

2. The Government also intends to call William Mathes of OML Global. Mr. Mathes will testify that he supplied M4 Bolt Gas Ring MIL and Firing Pin Retainers to Roggio in March 2016. Mr. Mathes' familiarity with the manufacture of firearms and utilization of these firearm parts in generally – and with M4-type weapons specifically – is the result of his personal interest in firearms and knowledge he has acquired as part of the firearms industry. Mr. Mathes will testify that the firearm parts ordered by Roggio are controlled for export. Mr. Mathes will explain how these parts fit into the design and function of M4 rifles, and how the parts are utilized in the manufacture of M4-type rifles. Mr. Mathes will also provide testimony regarding the limited

number of manufacturers who produce M4 Bolt Gas Ring MIL and Firing Pin Retainers. The witness will testify that in his experience firearm manufacturers generally do not manufacture gas rings or firing pin retainers themselves. Rather, it is industry standard to purchase these parts and incorporate them into products being manufactured by individual firearm brands.

3. Federal Rule of Evidence, Rule 701 provides that lay testimony must be confined to opinions that are “(a) rationally based on the perception of the witness, (b) helpful to a clear understanding of the witness’ testimony or the determination of a fact in issue, and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.” Fed. R. Evid. 701.

4. The testimony of these witnesses is not based on scientific, technical, or specialized knowledge, but arises from their personal and professional experiences. The testimony is admissible as lay opinion pursuant to Rule 701 and should be accepted by the Court as such.

Dated: April 10, 2023

Respectfully submitted,

GERARD M. KARAM
UNITED STATES ATTORNEY

/s/ Todd K. Hinkley

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That on April 10, 2023, he served a copy of the attached **GOVERNMENT’S MOTION TO ADMIT LAY WITNESS OPINION TESTIMONY PURSUANT TO FEDERAL RULES OF EVIDENCE, RULE 701** by electronic means to:

Gino Bartolai
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/s/ Todd K. Hinkley
Todd K. Hinkley
Assistant United States Attorney

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CERTIFICATE OF NON-CONCURRENCE

The undersigned hereby certifies that he attempted to speak to Gino A. Bartolai, Esquire, counsel for Ross Roggio concerning the defendant's concurrence/non-concurrence in the attached motion *in limine*. Attorney Bartolai indicated that the defense does not concur in the attached motion.

/s/ Todd K. Hinkley
Todd K. Hinkley
Assistant United States Attorney